

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY ) MDL No. 1456  
AVERAGE WHOLESALE PRICE LITIGATION ) Master File No.  
01-12257-PBS

THIS DOCUMENT RELATES TO

United States of America ex rel. )  
Ven-a-Care of the Florida Keys, ) **Magistrate Judge**  
Inc. v. Dey, Inc., et al., ) **Marianne B. Bowler**  
Civil Action No. 05-11084-PBS )  
)

MEMORANDUM OF LAW IN SUPPORT OF GEORGIA DEPARTMENT OF COMMUNITY  
HEALTH'S SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO DEY'S  
MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS

COMES NOW the Georgia Department of Community Health ("Georgia") in the above-styled action, by and through the Office of the Georgia Attorney General, and files this memorandum of law in support of Georgia's motion for an additional two-week extension of time in which to respond to the motion to compel the production of documents (Master Docket #5725 and Subcategory Docket #89) ("Dey's Motion") filed by Dey, Inc., Dey L.P., Inc., and Dey L.P. (collectively "Dey") and shows this honorable Court as follows.

## I. ARGUMENT AND CITATION OF AUTHORITY

Pursuant to Federal Rule of Civil Procedure 6(b)(1),  
"[w]hen an act may or must be done within a specified time, the  
court may, for cause, extend the time: (A) with or without

motion or notice if the court acts, or if a request is made, before the original time or its extension expires." This motion is made prior to the expiration of the January 12, 2009 due date of Georgia's response to Dey's Motion.

Dey seeks to compel the production of documents which include attorney-client documents containing, *inter alia*, documentation of candid discussions between Georgia and attorneys regarding the potential strengths and weaknesses of litigation and intra-agency documents concerning same.

Counsel has been admitted pro hac vice for purposes of the instant action but has not yet received Case Management/Electronic Case Files login information. Georgia requests that it have until January 26, 2009 to respond to Dey's Motion.

**II. CONCLUSION**

For the foregoing reasons, Georgia requests that this Court grant an extension of time to file its response to Dey's Motion through and including January 26, 2009.

Respectfully submitted,

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